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WOMEN & CHILD DEVELOPMENT DEPARTMENT

NOTIFICATION

The 22nd August 2011

No. 15759—V-WP-Misc.-16/2010-WCD.—In exercise of the powers conferred by Section 10 of the Dowry Prohibition Act, 1961 (28 of 1961), the State Government do hereby make the following Rules to amend the Orissa Dowry Prohibition Rules, 2000, namely :—

1. (i) These Rules may be called the Orissa Dowry Prohibition (Amendment) Rules, 2010

(ii) This shall come into force on the date of publication in the *Orissa Gazette*.

2. In the Orissa Dowry Prohibition Rules, 2000 (hereinafter referred to as the said rules) in sub-rule (1) of Rule-2,

(i) after clause (a), the following clause shall be inserted, namely :—

“(a-i) ‘Advisory Board’ means a Board constituted in accordance with sub-section (4) of Section 8-B of the Act to advise and assist the Dowry Prohibition Officers”,

(ii) after clause (c), the following clause shall be inserted, namely:—

“(c-i) ‘Chief Dowry Prohibition Officer’ means an Officer of the State Government entrusted with the duties and responsibilities under these Rules”, and

(iii) after clause (h), the following clauses shall respectively be inserted, namely :—

“(h-i) ‘Officer-in-Charge of a Police Station’ means an Officer of Police Station as defined in the Code of Criminal Procedure and shall have the same meaning as assigned under Code of Criminal Procedure, 1973 (2 of 1974)”.

“(h-ii) ‘Probation Officer’ means a District Probation Officer or Additional District Probation Officer or City Probation Officer appointed as such under the Probation of Offenders Act, 1958 (20 of 1958)”.

“(h-iii) ‘Recognized Welfare Institution or Organization’ means an Institution or Organization recognized as such under sub-clause (ii) of clause (b) of sub-section (1) of Section 7 of the Act”.

3. In the said rules, for Rule 3, the following rule shall be substituted, namely :—

“3. The additional functions to be performed by the Dowry Prohibition Officer shall be as follows :—

- (a) He shall endeavour to create awareness among the public by organizing camps, publicity through the Information & Public Relations Department, Panchayat Samitis and other media against dowry and shall involve local people in prevention of dowry.
- (b) He shall conduct surprise checks and discreet inquiries to ascertain whether there has been any violation of the provisions of the Act and Rules.
- (c) Every such complaint received by the Dowry Prohibition Officer shall be serially numbered and duly registered in a Register in Form No. II.
- (d) The Dowry Prohibition Officer shall scrutinize the complaint and if it is found that the nature and the contents of the complaint is apparently coming within the purview of Section 3 or 4 or 4-A or 5 or 6 of the Act, he shall immediately conduct an inquiry to collect such evidence from the parties to ascertain the genuineness of the complaint.
- (e) Where on the date fixed for hearing of the complaint or petition, the complainant or the petitioner does not appear on the date so fixed, the Dowry Prohibition Officer may in his discretion either dismiss the complaint or petition for default; or hear and come to a finding as to its merit, which shall be recorded in the case file.
- (f) The Dowry Prohibition Officer may utilize the services of District Probation Officer or Additional District Probation Officers or City Probation Officers of the area for collecting information or conducting inquiries or assisting in any stage of inquiry or proceedings relating to a complaint, petition or application under the Act.
- (g) On receipt of requisition from the Dowry Prohibition Officer, the Probation Officers shall conduct necessary inquiries, collect information and furnish such details and report promptly as requested by him.
- (h) Where any dowry is received by any person other than the woman and a complaint is received in respect of non-transfer of such dowry to the woman who is entitled to it in accordance with Section 6 of the Act, the Dowry Prohibition Officer shall issue directions to the parties to transfer the same within the stipulated time.
- (i) He shall keep in his custody all the list of presents submitted by the parties to any marriage and make entries relating thereto in a Register to be maintained for the purpose. He shall also examine these lists and ensure compliance of the provisions of Dowry Prohibition (Maintenance of lists of Presents to the Bride and Bridegroom) Rules, 1985.
- (j) He shall specifically make it clear that marriages performed within his jurisdiction are likely to be visited by him or his staff along with Officer-in-Charge of Police Station to see that the provisions of the Act are not contravened.
- (k) The Dowry Prohibition Officer shall make necessary inquiries regarding non-observance of the provisions of the Act in respect of the marriages held or proposed to be held within his jurisdiction.

- (l) He shall ascertain and confirm by suitable means in respect of as many number of marriages as are held within his jurisdiction as to whether the provisions of the Act are being followed and are not being contravened.
- (m) The Dowry Prohibition Officer while making inquiries under the Act or when he attends any marriage, for the purpose of making inquiries, shall take the assistance of an Officer of a Police Station or other Officers to assist him in the performance of his functions and it shall be the duty of the Officer of the Police Station to render all assistance required by the Dowry Prohibition Officer.
- (n) He shall render assistance to the Police in investigating the complaints filed under the Act and the Court in the trial of the case.
- (o) He shall discharge his duties with due care, decorum, privacy and in a manner upholding the dignity and harmony of family relationships.
- (p) The Dowry Prohibition Officer's approach shall be primarily preventive and remedial and prosecution shall be recommended or resorted to only if all other measures and directions are found ineffective or parties fail to comply with the orders or directions within the stipulated time.
- (q) The Dowry Prohibition Officer shall send quarterly reports to the Chief Dowry Prohibition Officer as to the numbers of complaints received under the Act and the action taken or the nature or settlement of the issue in Form No. II annexed to these rules. The Dowry Prohibition Officer shall also send such details or reports as may be required by the Chief Dowry Prohibition Officer or the Government from time to time.
- (r) He shall seek the guidance of the Advisory Board in the matters relating to his functioning under the Act.
- (s) The Dowry Prohibition Officer (Convenor of the Advisory Board) shall send a copy of the proceedings of each meeting of the Advisory Board, within a fortnight from the date of the meeting of the Advisory Board to the State Government for information and necessary action.
- (t) He shall also perform such other duties as may be assigned in this regard by the State Government.
- (u) He shall act as the Member-Secretary of the Advisory Board. He shall maintain regular contact with the members of the Advisory Board for necessary advice and assistance from them. He shall inform the District Magistrate or any other person authorized by the State Government for the purpose about all the affairs relating to the operation of the Act, as and when necessary".

4. In the said rules, the Rule 4, the following rule shall be substituted, namely :—

“4. The Dowry Prohibition Officer shall—

- (a) entertain complaints regarding any offence under the Act from any person aggrieved or parents or other relatives of the victim or any Recognized Welfare Institution or Organization in writing, either in person or through a messenger or by post,

- (b) maintain a register for the purpose of the Act to record all complaints, enquiries and results thereof and other relevant information connected therewith and also maintain separate files with relevant records for each individual case,
- (c) give notice to the parties and witnesses intimating them the date, time and place of hearing of the complaint in Form-III,
- (d) conduct on the spot investigation and collect evidence from the parties or witnesses or fix up a hearing of the parties or witnesses in his office or in a place convenient to him without causing any inconvenience or hardship to the parties,
- (e) inquire every position & hear and come to a finding within a month from the date of its receipt”.

5. In the said rules, for Rule 6, the following rule shall be substituted, namely :—

“6. Parties to any marriage or any of the parents of either party to any marriage shall furnish to the concerned Dowry Prohibition Officer within one month from the date of marriage a list of presents maintained under the Dowry Prohibition (Maintenance of lists of Presents to the Bride and Bride groom) Rules, 1985”.

6. In the said rules, after Rule 8, the following rule along with its marginal heading shall respectively be inserted, namely:—

Procedure
for
prosecution
of Offenders.

“8. A. In all cases of complaints investigated by Dowry Prohibition Officers where there is a *prima facie* finding as to the commission of an offence, the report shall be submitted to the competent Magistrate for prosecuting the offenders along with the statement recorded, all other connected documents of the proceedings and a brief account of the findings. This report shall be deemed to be a report under Section 173 of the Code of Criminal Procedure, 1973 (Act 2 of 1974)”.

Recognition
of Welfare
Institutions.

“8. B. (1) A Welfare Institution or Organization primarily devoted to any of the following kinds of work which has rendered service in the filed for a period of not less than three years will be eligible for seeking recognition under sub-clause (ii) of clause (b) of sub-section (1) of Section 7 of the Act, namely :—

- (a) Social Welfare including care, protection and training of women;
 - (b) Organization of women of a Statewide or all India Character, Prominent Mahila Samitis or Women’s Organization;
 - (c) Social Defence including care and protection of destitutes, rescued women and children;
 - (d) Any organization of lawyers interested in eradicating social evils.
- (2) Any Welfare institution or organization eligible under sub-rule (1) and desiring recognition shall make an application to the State Government in Form IV together with a copy of each of the Rules, Bye-laws, Articles of Association, Lists of its members and office bearers and a report regarding its activities and past record of social or community service.
- (3) The State Government may after making such inquiry by a Senior Officer of the concerned Department and after considering the report as to the nature and past

record of service of the organization or institution which has presented the application in this regard, grant recognition for a period of five years which can be renewed after submitting a renewal application.

- (4) An application for renewal of recognition shall be submitted in Form V in the manner provided under sub-rule (2) which shall be processed as per the procedure laid down in sub-rule (3) and recognition shall be granted/renewed in cases where the working of the institution or organization is reported to be fairly satisfactory.
- (5) The State Government may withdraw the recognition granted to an institution or organization if the working of the institution/organization is found or reported to be unsatisfactory by the Chief Dowry Prohibition Officer or otherwise”.

Method of appointment, duties and functions of Chief Dowry Prohibition Officer.

“8. C (1) The State Government shall designate a Senior Officer of the concerned Department as the Chief Dowry Prohibition Officer to administer and co-ordinate the work of Dowry Prohibition Officers & shall be responsible for creating consciousness and awareness to prevent dowry system among the public and to set out programmes with a view to uproot the evils of dowry system.

- (2) The Chief Dowry Prohibition Officer shall be responsible for preparation and submission of an Annual Report on the progress of implementation of the Act and related matters and of such statistics as may from time to time be required by Government.
- (3) The Chief Dowry Prohibition Officer shall issue instructions to all the Departments of the State Government to the following effect :—
 - (i) Every Government servant shall after his marriage furnish a declaration stating that he has not taken any dowry to the Head of the Department. The declaration shall be signed by his wife, father, mother, father-in-law and mother-in-law.
 - (ii) One specified day in a year shall be observed as Dowry Prohibition Day.
 - (iii) Pledge shall be administered to the students in schools and colleges and other institutions not to give or take dowry”.

Limitation subject to which a Dowry Prohibition Officer may exercise powers of Police Officers.

“8. D(A) Save and except the provisions of Chapter V of the Code of Criminal Procedure, namely the power of arrest of a person without warrant, the Dowry Prohibition Officer shall have the powers of a Police Officer under the said code for the purpose of investigation and submission of report before the competent Magistrate.

- (1) Whenever the Dowry Prohibition Officer has reasonable grounds for believing that an offence punishable under this Act has been or is being or is about to be committed within his jurisdiction and that the search of any premises with warrant cannot be made without undue delay, he may, after sending the grounds of his belief to the District Magistrate, search such premises without a warrant.
- (2) Before making a search under sub-rule (2), the Dowry Prohibition Officer shall call upon two or more residents of the locality in which the place to be searched is situated, to attend and witness the search, and may issue an order in writing to them or any of them to do so.

- (3) Any person, who without reasonable cause, refuses or neglects to attend and witness a search under this rule when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under Section 187 of the Indian Penal Code (45 of 1860)".

Protection of
action taken
in good faith.

"8(E) No suit or other legal proceeding shall lie against the Government, Chief Dowry Prohibition Officer, Dowry Prohibition Officer, Probation Officer and any Police Officer or person assisting him, in respect of anything which is in good faith done or intended to be done in pursuance of the Act or the Rules".

7. In the said Rules, after Rule 11, the following Forms shall be inserted, namely :—
"Form-I".

ARTI AHUJA

Commissioner-*cum*-Secretary to Government
Women & Child Development Department

FORM I

[See Rule 4 (b)]

REGISTER OF COMPLAINTS/PETITIONS

Sl. No.	List of complaints	Name & address of the petitioner	Relationship with the married couple	Date of marriage fixed or held	Date of receipt of petition/ complaint	Date of hearing	Nature of disposal	Initials of the Officer	REMARKS
1	2	3	4	5	6	7	8	9	10

Dowry Prohibition Officer

FORM II © & (Q)**[See Rule 3(III) & (XVI)]****QUARTERLY PROGRESS REPORT REGARDING THE IMPLEMENTATION OF
DOWRY PROHIBITION ACT, 1961**

Sl. No.	Details of Petition/ Complaints received	Form whom, name and address	Nature of complaints/ Petition	Date of Registration	Action taken	Nature of settlement of issue	Dated initials of the Officers	REMARKS
1	2	3	4	5	6	7	8	9

Dowry Prohibition Officer**FORM III****(See Rule 4©)****NOTICE TO APPEAR BEFORE DOWRY PROHIBITION OFFICER**

To

(Name of person against whom
complaint has been received and address)

Whereas your attendance is necessary to collect information and gather evidence to a complaint of..... (state shortly the alleged offence) you are hereby required to appear in person before the Dowry Prohibition Officer on the day of..... at(time) in the office of the.....(place).

Dowry Prohibition Officer

FORM IV**[See Rule 8B (2)]****FORM OF APPLICATION FOR RECOGNITION OF WELFARE
INSTITUTION/ORGANISATION**

1. Name of the Welfare Institution/Organisation :
2. Full address :
3. Aims and objectives :
4. Name and address of the head of the institution/organization :
5. Brief account of its activities :
6. Justification for granting recognition :
7. Has any such application been made previously, if so, its result together with its date, month and year. :
8. Any other particulars :

Enclosures :

- (1)
- (2)
- (3)

Place :

Date :

**Signature of the Head of the
Welfare Institution/Organization**

FORM V**[See Rule 8 B (4)]****FORM OF APPLICATION FOR RENEWAL OF CERTIFICATE OF
RECOGNITION**

1. Name of the Welfare Institution/Organisation :
2. Full address :
3. Brief account of the achievements during last five years :
4. Name and address of the head of the institution/organization :
5. Certificate No., date and date of expiry :
6. Any other particulars :

Place :

Date :

**Signature of the Head of the
Welfare Institution/Organization**